LIBRARY
SUPREME COURT, U. S.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1971

NO._____

KENNETH G. FLICKINGER, Registrar of Contractors of the State of Arizona,

Petitioner,

vs.

ELECTRIC CONSTRUCTION CO., INC.,

Respondent.

MOTION OF NATIONAL ASSOCIATION OF CONTRACTORS LICENSING AGENCIES FOR LEAVE TO FILE A MEMORANDUM AMICUS CURIAE IN SUPPORT OF THE PETITION FOR A WRIT OF CERTIORARI

For the Committee
HORACE LYNN JONES
Louisiana, Committee Chairman
ARCHIE STEELE
Mississippi, Committee Member
BEN MEIER
North Dakota, Committee Member
By JAMES W. NEWMAN III
P. O. Box 879
Jackson, Miss. 39205

IN THE

Supreme Court of the United States

OCTOBER TERM, 1971

NO._____

KENNETH G. FLICKINGER, Registrar of Contractors of the State of Arizona,

Petitioner,

vs.

ELECTRIC CONSTRUCTION CO., INC.,

Respondent.

MOTION OF NATIONAL ASSOCIATION OF CONTRACTORS LICENSING AGENCIES FOR LEAVE TO FILE A MEMORANDUM AMICUS CURIAE

This Association is the organization of fourteen state contractor's licensing agencies.* In contemplation of a then pending decision in this case, which has been subject to national observation throughout its course because of its importance to the construction industry, this body at its 1969 annual meeting in San Diego directed the officers of the group to support the Arizona Registrar as might be appropriate.

Pursuant to that resolution, the national president of the

---

*Alabama, Arizona, California, Florida, Hawaii, Louisiana, Maryland, Michigan, Mississippi, Nevada, New Mexico, North Dakota, Tennessee and Utah.

group, Emile Wynn, a member of the Contractors' Licensing Board of Hawaii, has appointed the undersigned committee of three licensing officials to file an amicus brief supporting this petition for certiorari. We herewith move for leave to do so.

MEMORANDUM IN SUPPORT OF PETITION FOR CERTIORARI

We join in hoping that this Court will determine whether federal procurement regulations make it impossible for state contractor licensing laws to apply to subcontractors on federal work.

All states have such work in their various jurisdictions; we need to know our powers and our duties and the limits which may exist upon them. We do not believe that, under the cases, the unexercised federal power to impose qualifications on subcontractors precludes the states from doing so when the federal government has not acted. On this score, we cannot add to the petitioner's brief.

We do focus on our own uncertainties. With one court holding that it is "illegal" for an unlicensed subcontractor to work on a federal job (*Dow v. United States for the Use and Benefit of Holly*, 154 F.2d 707, 711 (10th Cir. 1946)) and with Arizona in the instant case holding that the same thing is legal, we are, understandably, perplexed, and we ask this Court to put the matter at rest.

Respectfully submitted,

For the Committee

HORACE LYNN JONES
Louisiana, Committee Chairman
ARCHIE STEELE
Mississippi, Committee Member
BEN MEIER
North Dakota, Committee Member

By JAMES W. NEWMAN III
P. O. Box 879
Jackson, Miss. 39205